

**ENVIRONMENTAL MANAGEMENT COMMISSION
WATER QUALITY COMMITTEE MEETING SUMMARY**

May 7, 2014

Archdale Building-Ground Floor Hearing Room

BRIEF

At the May 7, 2014 meeting of the Environmental Management Commission (EMC) Water Quality Committee (WQC), the WQC:

- approved the March 12, 2014 WQC meeting summary.
- approved the Blue Diamond Investment Company request for a major variance from Randleman Lake Riparian Area Protection Rules Diffuse Flow requirements for an undeveloped property adjacent to the Veterans Administration Hospital in Kennesaw, NC.
- approved to request a 30-day waiver to proceed to the EMC on May 8, 2014 to ask permission to proceed to public hearing with proposed amendments to 15A NCAC 02B regulations as part of North Carolina's Triennial Review of surface water quality standards and approval of associated fiscal note.
- approved to proceed to the EMC with review of Ecosystem Enhancement Program rules 15A NCAC 02R in accordance with HB74 and G.S. 150B.

WQC Members in Attendance:

Mr. Steve Tedder (Chairman)
Mr. David Anderson
Mr. William Puette
Dr. Albert Rubin
Mr. Benne Hutson
Mr. Kevin Martin

Others Present:

Mr. Tom Reeder, Division of Water Resources (DWR) Director
Ms. Mary Lucasse, Attorney General Office
Mr. Gerald Carroll, EMC
Mr. Charles Carter, EMC
Mr. E.O. Ferrell, EMC
Mr. Dan Dawson, EMC

None of the members of the Water Quality Committee recused himself from making a decision on any of the items on the May 7, 2014 WQC agenda.

1. Request for a Major Variance from the Randleman Lake Riparian Area Protection

Rules diffuse flow requirements by Blue Diamond Investment Company, LLC for undeveloped property adjacent to the Proposed Veterans Administration Hospital in Kernersville, NC – (Action Item) (Ana Jaramillo)

Description

A request was received for the WQC to grant a Major Variance from the Randleman Lake Riparian Area Protection Rule diffuse flow requirements to Blue Diamond Investment Company, LLC (Applicant) for an undeveloped property in Kernersville, NC. The Town of Kernersville has been delegated authority to administer the Randleman Lake Riparian Area Protection Rule. In March 2014, the WQC postponed a final decision in order to give the Town of Kernersville and the applicant the opportunity to provide additional information requested by the WQC. The applicant proposes to construct a stormwater bypass system to convey stormwater runoff from the Blue Diamond property through the Veterans Administration Hospital site. The applicant is requesting a variance to delay installation of a stormwater BMP until development of the Blue Diamond property begins. Based on the information submitted, the Town of Kernersville and DWR support this request for a Major Variance from the Randleman Lake Riparian Area Protection Rules because all of the requirements in 15A NCAC 02B .0250 are met.

Discussion

The WQC members discussed several issues including historical ownership of the Veterans Administration Hospital site, a stormwater BMP and stormwater bypass system, the water quality protection measures supported by DWR and the Town of Kernersville for meeting the Randleman Lake Riparian Area Protection Rule diffuse flow requirements, and consistency of future water quality stormwater runoff from the site. Jeff Hunter with Pope Companies, a representing partner in the Blue Diamond development and Neil Tucker with Stimmel Associate, PA provided participated in the discussion when call onto.

Motion

Mr. Martin made a motion to approve the request that is supported by DWR and the Town of Kernersville with the conditions that the Town of Kernersville agreed to make. (These conditions are spelled out in the slide show for this item presented at the May 7, 2014 WQC meeting) Dr. Rubin seconded this motion and the WQC unanimously approved it.

2. Request to Proceed to EMC to Ask for Permission to Proceed to Public Hearing with Surface Water Quality Standards Rule Amendments in 15A NCAC 02B and Approval of the Fiscal Note in accordance with NCGS 150B-19.1(e). (WQC may request a “30-day waiver” to proceed to EMC the next day) – (Action Item) (Connie Brower)

Description

DWR requested WQC’s approval to proceed to the EMC with draft amendments to 15A NCAC 02B regulations as part of North Carolina’s Triennial Review of surface water quality standards. Stakeholder comments received during prior outreach as well as a hearing/comment period that

was held in November 2013, have been considered in the proposed rule modifications that include: updates to metals standards in accordance with federal criterion; revision of metals standards to reflect, where applicable, the dissolved metal concentration; acute and chronic metals standards; applying localized hardness values to derive hardness-dependent metals standards; equations to allow for standard development; and a standard for 2,4 D (chlorophenoxy herbicide) to incorporate newer reference dose information. Edits for organizational purposes and clarity are also proposed. The WQC may request a “30 day waiver” to proceed to the EMC on May 8th, 2014.

Discussion

Some of the WQC members discussed the estimated fiscal impacts as a result of the proposed changes to the 15A NCAC 02B regulations and the public comments on those changes.

Motion

Dr. Rubin made a motion to move the request forward with proposed changes to the EMC for approval to go to public hearing and approve the fiscal note. Mr. Anderson seconded the motion and the WQC unanimously approved it. A 30-day waiver was approved to proceed with this matter to the EMC on May 8th, 2014.

3. Request Approval to Proceed with Rules Review of Rules 15A NCAC 02R in accordance with HB74 and G.S. 150B – (Action Item) (Kelly Williams)

Description

The Ecosystem Enhancement Program requested the WQC’s approval to proceed to the EMC with the review of the subject rules. The rules review follows the procedure mandated by HB74. The review covers ten rules in the Ecosystem Enhancement Program. Staff recommended the initial determinations for the rules as “necessary with substantive interest.” If approved by the EMC in July (2014), the rules would then move to the public comment phase of the HB74 review.

Discussion

EMC Chair Mr. Hutson asked Ms. Williams have there been criticisms of each of the rules within the last 2 years or is staff aware of criticism of these rules within the last 2 years. On behalf of the EEP staff, Ms. Williams said yes.

Motion

Mr. Martin made a motion to proceed to the EMC with a rules review of the Ecosystem Enhancement Program rules (15A NCAC 02R) in accordance with HB74 and G.S. 150B and ask the EMC to consider it at its July meeting. Mr. Puette seconded the motion and the WQC unanimously approved it.

III. Closing Comments

Chairman Tedder

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